

U.S.S.N. 09/591,739  
Filed: June 12, 2000

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

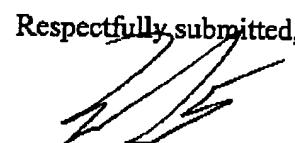
from claims 1-35 of Martin. However, to facilitate prosecution of the present application, enclosed is a terminal disclaimer to Martin.

**Election of Species**

Claims 39 and 40 were finally withdrawn from further consideration as drawn to nonelected species on the basis that the generic or linking claims were not allowable. The submission of the terminal disclaimer obviates the double patenting rejection of the independent claim 36, which is free from prior art and generic to both claims 39 and 40. The Examiner is therefore required to search and consider claims 39 and 40 (MPEP § 806.04).

Allowance of claims 36-44 is earnestly solicited. A copy of the claims as pending are attached as appendix for the convenience of the Examiner.

Respectfully submitted,



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Date: March 17, 2003

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the Amendment and Response to Office Action, Terminal Disclaimer, two Statements under 37 CFR 3.73(b), Certificate of Facsimile Transmission and any other documents referred to as being attached or enclosed, has been sent via facsimile transmission to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Peggy D. Bailey  
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**Appendix. Claims as Pending**

36. A method for isolating a polyhydroxyalkanoate from a biomass derived from a transgenic plant comprising the polyhydroxyalkanoate, the method comprising:

- (a) treating the biomass, with at least one chemical or biochemical agent, to chemically derivatize the polyhydroxyalkanoate; and
- (b) separating the derivatized polyhydroxyalkanoate from the biomass.

37. The method of claim 36 wherein, in step (a), the biomass is treated with at least one chemical agent selected from the group consisting of acids, bases, detergents, oxidizing agents, chelating agents, reducing agents, nucleophilic reagents, electrophilic reagents, metal ions, aqueous solutions, and organic solutions.

38. The method of claim 36 wherein, in step (a), the polyhydroxyalkanoate is derivatized by a chemical transformation selected from the group consisting of an esterification, transesterification, hydrolysis, saponification, aminolysis, thiolysis, etherification, silylation, addition, elimination, rearrangement, and a condensation.

39. The method of claim 36 wherein the biochemical agent is an enzyme.

40. The method of claim 39 wherein the enzyme is selected from the group consisting of depolymerases, proteases, nucleases, lipases, cellulases, phosphorylases, and glycosidases.

41. The method of claim 36 wherein, in step (b), the derivatized polyhydroxyalkanoate is separated by a physical process selected from the group consisting of distillation, extraction, centrifugation, filtration, and chromatography.

42. The method of claim 36 wherein the transgenic plant is an oilseed plant.

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43. The method of claim 36 wherein the polyhydroxyalkanoate includes one or more units selected from the group consisting of a 3-hydroxyacid, a 4-hydroxyacid, and a 5-hydroxyacid.

44. The method of claim 36 wherein the biomass comprises plant parts selected from the group consisting of leaves, stems, seeds, and combinations thereof.

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